

# SUMMARY

Prepared by: Laura Scatena  
On Wednesday, July 06, 2005  
Revised: July 14, 2005



**Homes and Restaurants Workgroup Meeting**  
**Held: June 29, 2005**  
**Meeting Location/Address: The War Memorial, Trenton, NJ**  
**Meeting called by: Ray Papalski**  
**Co-Facilitators: Sandra Cohen, Laura Scatena**

**Attendees:**

State Team Members:

1. Ray Papalski, Workgroup Leader, New Jersey Department of Environmental Protection (NJDEP), Division of Air Quality Planning (DAQ), Bureau of Air Quality Planning (BAQP)
2. Sandra Cohen, Co-Facilitator, NJDEP DAQ BAQP
3. Laura Scatena, Co-Facilitator, NJDEP DAQ BAQP
4. Frank Matula, NJDEP, DAQ, Bureau of Technical Services
5. Jim Scarvalli, NJDEP, Division of Compliance and Enforcement (DCE), Minor Source Compliance Investigation
6. Tom Pitcherello, New Jersey Department of Community Affairs (NJDCA)

Participants:

1. Mohammad Ali, New Jersey Department of Agriculture (NJDOA)
2. Adeline Arnold, Aberdeen Township Environmental and Shade Tree Advisory Board
3. Stephen Atzert, U.S. Fish and Wildlife Service, E.B. Forsythe National Wildlife Refuge
4. Eric DeGesero, Fuel Merchants Association of New Jersey
5. Amy Frank, NJDCA
6. Anne Leimback, Mid-Atlantic Hearth, Patio & Barbecue Association (HPBA)
7. Gabriella Munoz, NY Academy of Sciences
8. Vince Patram, Specialty Chemical Catalysts Engelhard Corporation
9. Dawn Prandi, Somerset County Health Department
10. Kety Rosario, NJDEP DCE
11. Arnold Schmidt, Union County Health Department
12. Tina Walling, Aberdeen Township Environmental and Shade Tree Advisory Board

**Materials:**

1. Workgroup Presentation, June 29, 2005, pdf file available at <http://www.state.nj.us/dep/airworkgroups/>
2. List of Applicable Websites
3. United States Environmental Protection Agency (USEPA) Wood Stove Change-Out Campaign, <http://www.epa.gov/woodstoves/changeout.html>
4. USEPA <http://www.epa.gov/woodstoves/partner.html>

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## Introduction/Announcements

- Since this was the first meeting, the participants introduced themselves and explained their expectations for the workgroup. Expectations included: 1) linking this category of emissions to construction code issues; 2) addressing increased wood smoke during winter months due to increased home-heating fuel costs; 3) enforcement of emissions from restaurants under N.J.A.C. 7:27-5; 4) enforcement/authority for addressing neighborhood complaints about woodsmoke from residential fireplace/firepits (i.e. is this a health department issue?); 5) promoting wood stove replacement/exchange programs; 6) Addressing Class I Airshed impacts from open burning/forest fire management; 7) addressing the sulfur/fuel issue (e.g. regional efforts vs. NJ-specific home heating efforts); 8) Addressing any agricultural concerns (e.g. emissions from open burning, diesel-powered equipment, non-road equipment); 9) addressing public health impacts (i.e. restaurant emissions as well as links between diesel emissions and increased/exacerbated asthma and other respiratory effects); and 10) technology for particulate matter removal.
- No other announcements.

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## Overview

- The workgroup purpose and goals were discussed.
- The logistics of how the workgroup would function was explained. The workgroup will continue to meet over the next several months with final recommendations by the workgroup due back to the NJDEP by September 30, 2005.
- The workgroup members decided to stay together as a plenary group to address all issues rather than split into different subgroups.

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## Discussion

### Topic 1: Representation missing in the workgroup

#### Discussion:

- A concern was raised that certain groups that should be participating in the workgroup were not present, particularly with respect to restaurant emissions. The following groups were cited:
  - (1) Department of Health (*Note by Laura Scatena - not mentioned in the meeting: Jim Blando from the Department of Health was contacted but was not able to attend this meeting due to a conflict. He intends to participate on future workgroup discussions. He also solicited participation within his Department.*)
  - (2) New Jersey Environmental Health Association (NJEHA)
  - (3) Builders/Construction companies and related Trade Associations
  - (4) Restaurant companies and related Trade Associations

**Conclusion:** It was decided that NJDEP staff would reach out to certain people/groups again to solicit their participation now that the work of the group is better defined. Workgroup members were also encouraged to reach out to representatives of the building/construction communities to solicit their participation, as there is a strong possibility that they will be impacted by the outcome of this workgroup.

#### Action Items/Person(s) responsible/Deadline:

- Laura Scatena – contact New Jersey Restaurant Association (Deborah Dowdell)
- Ray Papalski – contact major fast food chains
- Sandra Cohen - contact builder representative(s)

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### Topic 2: Source of restaurant emissions

#### Discussion:

- The source of restaurant emissions was explained as the resulting smoke from the burning of meat and food.
- A point was made that “anything can be retrofit” and the ability and technology to custom-make technologies for any equipment is currently available.
- An overview of California regulations was mentioned and one participant mentioned that new restaurant sources other than Chain Driven Charbroilers might be proposed for controls within the next year.

**Conclusion:** No conclusion at this time. Topic for future agenda/meeting.

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**Action Items/Person(s) responsible/Deadline:** None

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**Topic 3:** Authority on firepits and chimeneas

**Discussion:**

- Who has authority under Subchapter 5 (The Control and Prohibition of Air Pollution) to regulate emissions from commercial and residential entities? Since Subchapter 5 applies to commercial properties but not to residential properties, options were discussed for how to address complaints about odors/excess smoke from the use of fireplaces, woodstoves, firepits and chimeneas in residential areas. It was suggested that health departments currently have the authority to investigate a residential complaint about woodsmoke and determine if appropriate materials are being burned (e.g. untreated firewood rather than household or commercial waste material). Suggestions for additional authority included local or county health departments, police departments, municipal ordinances, state regulations (i.e. restrictions or bans on types of periods of burning or equipment), education and outreach to change behavior and financial incentives.

**Conclusion:** No conclusion at this time. Topic for future agenda/meeting.

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**Action Items/Person(s) responsible/Deadline:** None

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**Topic 4:** Firepits vs. open burning vs. prescribed burning

**Discussion:**

- The issue of how firepits (outdoor burning) are related to the regulation of open burning and prescribed fires was discussed. Current regulations and authority for open burning and prescribed burning were outlined. Subchapter 2 prohibits residential open burning of any kind. The only legal method of open burning is under permits issued to Parks and Forestry for prescribed burning and permits issued to Department of Agriculture for specific types of open burning (e.g. crop reduction).
- Existing control measures already apply to prescribed burning/open burning by permit, including prohibition on burning during high ozone days and required removal of all saleable materials prior to burning.
- Existing regional efforts were also mentioned including NESCAUM study of emissions from outdoor wood-burning boilers for home heating.
- This led to a discussion of possible additional control measures:
  - (1) Expand existing restrictions on prescribed burning/open burning permits to include additional emission reduction measures
  - (2) Better define and distinguish burning for home heating (e.g., wood stove/fireplace) vs. ornamental burning (e.g., chimeneas) vs. Subchapter 2 burning (e.g., burning by permit)
  - (3) NJDEP to recommend wood types and home heating fuel sources that burn "clean" (e.g., public education).

**Conclusion:** No conclusion at this time. Topic for future agenda/meeting.

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**Action Items/Person(s) responsible/Deadline:** None

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## Topic 5: Wood stoves and fireplaces

### Discussion:

- Existing controls on wood stoves and fireplaces, including 1988 USEPA regulations requiring higher-efficiency (60-80% less polluting) wood stoves in all new construction.
- Pilot wood stove/fireplace change-out programs by the USEPA partnering with various organizations such as the HPBA. Anne Leimback, representing the Mid-Atlantic Hearth, Patio & Barbecue Association (HPBA), discussed a specific pilot project in Pittsburgh, PA. USEPA is providing \$100,000 for the entire program, including discount of new stoves, destruction of old stoves and education and outreach efforts involving 60-100 homes in this one municipality.
- The cost and efficiency factors between retrofits (e.g., putting a catalytic converter, new technology, on a wood stove) or a change-out program were discussed and appeared to both be around \$1000 per unit, but costs would likely become reduced for either approach over time due to efficiencies of scale.
- There was concern that NJDCA and NJDEP currently have no authority for regulating this area and that local authority (e.g., inspections) would not be effective in regulating wood stoves and fireplaces in new construction. However suggestions were made for phasing out existing woodstoves and fireplaces if sufficient authority could be substantiated including: 1) sale of home triggers inspection and change-out to new EPA standard woodstove; would requires replacement, retrofit or disconnection of any stoves not meeting the 1988 requirements. Could this be done under municipal ordinance and, if so, does the political will exist?
- Other suggestions to be considered for recommended control measures included: 1) apply seasonal/weather-related and/or air-quality related restrictions to operation of woodstoves and fireplaces (e.g. restricted fireplace burning days in Vermont). Precedent already exists in restrictions on campfires during high-fire risk days and restrictions on lawn watering during severe drought emergencies; 2) Statewide education and outreach campaign regarding the health benefits of compliance and/or participation, operation and maintenance to reduce emissions from residential woodburning, including promotion of improved indoor air quality; 3) outlawing all residential woodburning in new construction. Concerns were expressed that this last suggestion was not feasible but others offered that while there is no existing authority for a policy prescribing the type of fuel used to heat a home, operational standards could be applied by DCA if based on authority from another Department (e.g. BPU ban on electric home heating based on energy conservation concerns).

**Conclusion:** No conclusion at this time. Topic for future agenda/meeting.

**Action Items/Person(s) responsible/Deadline:** None

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### Wrap-up

- Recommendations (potential, for further discussion):
  - (1) Seasonal restrictions
  - (2) Education and Outreach Campaign
  - (3) Relate control measures to improved air quality benefits
  - (4) Prohibiting wood burning in new construction (the concern of authority of implementation will be discussed in the future)
- Future agenda items were discussed for the meetings that will take place throughout the summer. There will be four more meetings (*topics subject to change as agreed upon by the group*):
  - (1) Woodburning inside the home (e.g. wood stove change-out vs. retrofit vs. new construction restrictions)
  - (2) Woodburning outside the home (e.g. residential open burning vs. firepits/chimeneas)
  - (3) Restaurants and Other Sources (e.g. sulfur in fuels)
  - (4) Wrap-up and review summaries and develop into formal recommendations to be submitted to NJDEP.
- Future meeting logistics were discussed. Various venues were discussed such as online, in-person, or a conference call. The final decision was to hold a meeting at the DEP in Trenton, NJ in a room with conference call capability.
- All information will be posted on the Homes and Restaurants Workgroup website at [http://www.state.nj.us/dep/airworkgroups/home\\_restaurant\\_workgroup.html](http://www.state.nj.us/dep/airworkgroups/home_restaurant_workgroup.html)

**The Next HR Workgroup Meeting is Wednesday, July 13, 10 AM at NJDEP in Trenton. Room location and conference call logistics will be provided on the HR website (see calendar links) and in the meeting agenda.**

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